

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

R.S.S.P., INC.,	:	CIVIL ACTION NO. 02-3707
Plaintiff	:	
	:	
ROLL FORMER CORPORATION,	:	
Defendant	:	JUDGE NEWCOMER

**PLAINTIFF R.S.S.P., INC.'S OBJECTIONS TO
NOTICE TO ATTEND AND TO PRODUCE**

Pursuant to Federal Rule of Civil Procedure 45(c)(2)(B), Plaintiff, R.S.S.P., Inc. ("R.S.S.P.") hereby objects to the proposed Notice to Attend and to Produce that is attached as Exhibit "A" on the grounds that such production is oppressive, unduly burdensome and solely intended to harass. R.S.S.P. also objects on the ground that Defendant's Notice to Attend and to Produce does not comply with Rule 45 of the Federal Rules of Civil Procedure and is therefore not a subpoena.

Each piece of equipment referenced in Exhibit "A" is stored at R.S.S.P.'s headquarters in Warsaw, Indiana. In addition, the VS-150 machine is approximately twelve feet (12') long; both the SSSP3 and FL105-1 Flush Wall Panel Machine are approximately fourteen feet (14') long, and the PCM Panel Curver Machine is approximately the size of a small refrigerator. Each piece of equipment weighs hundreds, if not thousands, of pounds, and is not easily transportable on such short notice. It is highly unlikely that arrangements could be made to fit each piece of equipment into Courtroom 13-A of the U.S.

Courthouse. As a result, Defendant's Notice to Attend and to Produce cannot, and will not, be honored.

DATE: Sept. 11, 2003

FLAMM, BOROFF & BACINE, PC

BY:


Walter H. Flamm, Jr.
Corey F. Higgins
Attorneys for Plaintiff
R.S.S.P., Inc.

EXHIBIT "A"

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

R.S.S.P., INC.

VS.

NO. 02-CV-3707

ROLL FORMER CORPORATION

1. The VS-150 with hydraulic drive and shear purchased by R.S.S.P. on or about September 28, 1998 as referenced on Roll Former invoice # 2670.
2. The SSSP-3; SN: 6276 purchased by R.S.S.P. from Roll Former on or about September 23, 1998 as referenced on invoice # 5856.
3. The FL105-1 Flush Wall Panel Machine with hydraulic drive and shear 26-24 gage steel purchased by R.S.S.P. from Roll Former as referenced on invoice #6195.
4. The VS-150 with hydraulic drive and shear purchased by R.S.S.P. from Roll Former on or about June 22, 2000 as referenced on invoice # 6483.
5. The PCM Panel curver machine purchased by R.S.S.P. from Roll Former on or about September 8, 1999 as referenced on invoice #5811.

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ROLL FORMER CORPORATION,	:	
Defendant	:	JUDGE NEWCOMER

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of *Plaintiff R.S.S.P., Inc.'s Objections to Notice to Attend and to Produce* was served via facsimile and via first class mail, postage prepaid upon the following:

Daniel McCaffery, Esq.
Robert Nemeroff, Esq.
Jaffe, Friedman, Schuman, Sciolla,
Nemeroff & Applebaum
Suite 200, 7848 Old York Road
Elkins Park, PA 19027

Honorable Clarence C. Newcomer
13614 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106



Corey F. Higgins

Date: Sept. 11, 2003